

REMARKS

This Amendment after FINAL rejection is filed in response to the FINAL Office action mailed on August 11, 2003. All objections and rejections are respectfully traversed.

Claims 1-28 are in the case.

Claims 18 and 25 were amended to replace the word "transmit" with "transit" to comply with requirements of form set forth in the Office action.

On page 2 paragraph 3 of the Office action, claims 27 and 28 were rejected under 35 U.S.C. §112 as failing to comply with the written description requirement.

Applicants respectfully urge that it is inherent that one skilled in the art could generate a computer readable medium containing computer executable instructions that practice the methods in claims 1, 11, 13, and 26. For example, with reference to claim 26, each of the elements therein may be contained in separate software subroutines or functions comprising computer executable instructions. Further, one skilled in the art of practicing the invention would know how to place these computer executable instructions in a computer readable medium, such as a computer disk.

Regarding claim 28, one skilled in the art of implementing the inventive technique would know enough about computer networks to transfer computer executable instructions that practice the methods in claims 1, 11, 13, and 26 as electromagnetic signals propagated on a computer network. For example, an object module containing computer

executable instructions for the practice of one or more of above-mentioned methods may be downloaded over the Internet from a web site. One skilled in the art would know how to place such object module at a web site coupled to the Internet and how to download it over the Internet from the web site.

On page 3 paragraph 4 of the Office action, claims 1, 5, 6, 10, 11, 13, 15, 16, 19, 20, 23-24, and 26 under 35 U.S.C. §102(e) as being unpatentable in view of U.S. Patent No. 6,078,586 to Dugan et al., issued on June 20, 2000 (hereinafter "Dugan").

The present invention, as set forth in representative claim 20 comprises in part:

A system, comprising:

a first network using a best-route routing protocol;

at least two links not supporting said protocol connected to said first network;

a second network using a best-route routing protocol, said second network interconnected with said first network by said at least two links;

an entry border node in said first network to send a set-up message having a best route from said first network to said second network;

an exit border node in said first network connected to one of said at least two links, said exit border node to receive a clearing message from said second network indicating a rejection of said best route, generate a crankback information element in response to said clearing message, add said crankback information element to said clearing message, and forward said clearing message and crankback information element to said entry border node.

Dugan discloses a single shared Asynchronous Transfer Mode (ATM) network, the ATM network supporting numerous Virtual Private Network (VPN) connections. The single ATM network is made up of routers using a protocol type referred to as a

“crankback” message for a downstream router to inform an upstream router that a proposed best route is “broken.” See Col. 9, lines 51-62.

Applicants’ presently claimed invention, on the other hand, claims two different networks a first network utilizing crankback messages similar to Dugan’s, and at least two links not supporting the crankback protocol. Instead, the second network uses a protocol referred to as a “clearing message” protocol, such as used by Interim InterSwitch Protocol (IISP) as described in the specification.

That is, applicants’ claim ***“a first network using a best-route protocol: at least two links not supporting said protocol connected to said network... an exit border in said first network... to receive a clearing message from said second network... generate a crankback information element in response to said clearing message, add said crankback information element to said clearing message, and forward said clearing message and crankback information element to said entry border node.”*** Nowhere in Dugan is the problem of using crankbacks in non-protocol links addressed, nor the solution of inserting crankback information elements into a clearing message and forwarding said clearing message to an entry border node.

Further, Dugan discloses one ATM network which uses a “crankback” message protocol, where in contrast Applicants’ inventive technique uses a “crankback” message protocol and a clearing message protocol and enables both protocols work with one another.

Applicants respectfully urge that the Dugan patent is legally precluded from anticipating the claimed invention under 35 U.S.C. §102 because of the absence from the

Dugan patent of Applicants' *"at least two links not supporting said protocol connected to said first network; and an exit border node in said first network connected to one of said at least two links, said exit border node to receive a clearing message from said second network indicating a rejection of said best route, generate a crankback information element in response to said clearing message, add said crankback information element to said clearing message, and forward said clearing message and crankback information element to said entry border node."*

On page 5 paragraph 2 of the Office action, claims 2, 3, 7, 8, 12, 18, and 25 were rejected under 35 U.S.C. 103 as being unpatenable over Dugan in view of U.S. Patent 6,111,881 to Soncodi, issued on August 29, 2000.

Applicants respectfully urge that because all of claims 2, 3, 7, 8, 12, 18, and 25 are dependent claims dependent from believed to be allowable independent claims that they are in allowable condition.

On page 5 paragraph 3 of the Office action, claims 4, 9, 14, and 21 were rejected under 35 U.S.C. 103 as being unpatenable over Dugan in view of U.S. Patent 6,208,623 to Rochberger et al., issued on March 27, 2001.

Applicants respectfully urge that because all of claims 4, 9, 14, and 21 are dependent claims dependent from believed to be allowable independent claims that they are in allowable condition.

All independent claims are believed to be in condition for allowance.

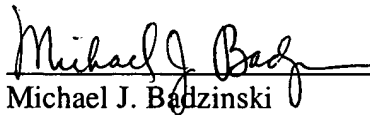
All dependent claims are dependent from believed to be allowable independent claims, and therefore in condition for allowance.

Favorable action is respectfully solicited.

Please charge any additional fee occasioned by this paper to our Deposit Account

No. 03-1237.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael J. Badzinski", is written over a horizontal line.

Michael J. Badzinski
Reg. No. 51,425
CESARI AND MCKENNA, LLP
88 Black Falcon Avenue
Boston, MA 02210-2414
(617) 951-2500